UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,674	12/18/2001	Jonathan E. Schmidt	066900.000002	3270

7590 02/24/2005	**EXAMINER**
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ART UNIT	PAPER NUMBER
2154	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	10/023,674	SCHMIDT ET AL.
Office Action Summary	Examiner	Art Unit	
	Isaac R Clark	2154	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *11/22/02*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-39 are presented for examination.

Priority

2.   The effective filing date for the subject matter in the pending claims in this

application is 12/18/2001.

Drawings

3.   The Examiner contends that the drawings submitted on 12/18/2001 are

acceptable for examination proceedings.

Specification

4.   The abstract of the disclosure is objected to because it exceeds 150 words in

length. Correction is required. See MPEP § 608.01(b).

Double Patenting

5.   The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11
F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225
USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA
1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*,
418 F.2d 528, 163 USPQ 644 (CCPA 1969).
        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be
used to overcome an actual or provisional rejection based on a nonstatutory double
patenting ground provided the conflicting application or patent is shown to be commonly
owned with this application. See 37 CFR 1.130(b).
        Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).

6.   Claims 2-39 provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, and 6-43 of copending Application No. 10/623893 in view of Brothers (US Patent 6,438,125).

7.   As per claims 2-39, these claims differ from the claims of the copending application in that the instant application requires the step of transmitting a message vehicle to the subscriber for displaying and communicating messages from the consolidating and management device while the claims of the copending application do not require this step. Brothers in an analogous art teaches the transmission of a vehicle such as a pop up to the subscriber. It would have been obvious to one of ordinary skill in this art at the time the invention was modify the invention described in the referenced claims of Application No. 10/623893 to create the invention in the instant application because doing so would allow the display of messages on the users display without interrupting the display of the web page the client intended to visit (See Brothers col. 5, lines 40-48).

This is a provisional obviousness-type double patenting rejection.

8.   A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See Miller v. Eagle Mfg. Co., 151 U.S. 186 (1894); In re Ockert, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

9.   Claim 1 is provisionally rejected under 35 U.S.C. 101 as claiming the same

invention as that of claim 3 of copending Application No. 10/623893. This is a

provisional double patenting rejection since the conflicting claims have not in fact been

patented.

Claim Objections

10.   Claim 22 is objected to because of the following informalities: The phrase

"comprises a requests" is grammatically incorrect. It is recommended that this phrase

be replaced with "comprises a request". Appropriate correction is required.

Claim Rejections - 35 USC § 112

11.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

12.   Claims 4, 19, 25, and 27-34 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention.

13.   Regarding claim 4, the phrase "such as" renders the claim indefinite because it is

unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

14.   As per claim 19, claim 19 recites the limitation "other user activity" in lines 2-3 of

the claim. There is insufficient antecedent basis for this limitation in the claim. For the

purpose of examination "other user activity" is interpreted to mean any user activity

other.

15.   As per claim 25, claim 25 recites the limitations "that information" in lines 2-3 of the claim and "the protocol" in line 3 of the claim. There is insufficient antecedent basis for these limitations in the claim. For the purpose of examination it is presumed that "that information" refers to subscriber parameters.

16.   As per claim 27, claim 27 recites the limitation "the identifier step" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim because claim 1 on which claim 27 depends recites two steps involving an identifier.

17.   The term "special" in claim 27 is a relative term which renders the claim indefinite. The term "special" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The adjective special modifies the limitation software in the claim. Because the term "special has not been defined it is unclear what software could be included in the system without being considered special. For the purpose of examining the claims, software such as operating system software, browser software and commonly used browser plug-ins are considered not to be special software.

18.   Claims 28-34 are rejected based on their dependencies from claim 27.

19.   As per claim 34, claim 34 recites the limitation "the manually accessed provider information Web site" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

20.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

21.   Claims 1-21, 23-25, 35, and 36 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Brothers (US Patent 6,438,125) in view of Ikudome et al. (US Patent

6,779,118, hereinafter Ikudome).

22.   As per claim 1, Brothers teaches a method for communicating real-time to

subscribers of an Internet service provider, comprising the steps of: Inserting a

redirecting device (Fig. 2, item 15) in the path of web traffic from the subscriber through

the ISP (col. 2, lines 47-51, 58-60); Identifying the subscriber by using data available

from the subscriber to (col. 2, lines 28-30); Transmitting to the subscriber site a vehicle

for displaying and communicating a message from the consolidating and management

device to the subscriber site (at least col. 2, lines 44-46); Selectively transmitting a

message to the subscriber for display on the message vehicle (col. 2, lines 29-35).

23.   Brothers teaches redirecting based on the subscribers identity (col. 4, line 46),

but Brothers does not explicitly teach using data from the subscriber to provide a fixed

identifier and providing the fixed identifier to a consolidating and management device.

24.   Ikudome teaches identifying the subscriber by obtaining a fixed identifier and

sending the fixed identifier to the consolidation and management device (col. 3. lines 1-

5).

25.   It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Brothers and Ikudome because they both deal with redirecting users requests for a web page based on the user's identity and activity. Furthermore, the teaching of Brothers to use a fixed identifier to identify the user would allow redirecting based on the identity or demographics associated with the user resulting in increased efficiency of communications by targeting the web page to interested or intended recipients (See Brothers, col. 46-48).

26.   As per claim 2, Brothers teaches the method of claim 1, wherein the message vehicle is a pop-up window on the subscriber PC's browser (col. 2, lines 44-46).

27.   As per claim 3, Brothers teaches the method of claim 1, wherein the message vehicle is a prompt provided on the subscriber PC (col. 5, lines 35-39).

28.   As per claim 4, Brothers and Ikudome as applied to claim 1, teach the method of claim 1, wherein the fixed identifier is a unique identifier of the subscriber, such as a modem address (Ikudome, col. 1-3; col. 8, lines 19-20).

29.   As per claim 5, Brothers teaches the method of claim 1, wherein the message is transmitted in response to an event determined by the redirecting device (col. 4, lines 25-32).

30.   As per claim 6, Brothers teaches the method of claim 1, wherein the subscriber is identified to belong to a defined group of subscribers and wherein the message is selectively sent to a pre-selected subscriber group (col. 4, lines 46-50).

31.   As per claim 7, Brothers teaches the method of claim 1, wherein the redirecting device is adapted for working through Web browsers (col. 4, lines 5-15) irrespective of

the World Wide Web destination sought by the user identifier (col. 4, lines 39-45: criteria may not include the intended destination address).

32.   As per claim 8, Brothers teaches the method of claim 7, wherein the redirecting device returns the subscriber to the original World Wide Web destination after the message has been transmitted (col. 5, lines 23-38).

33.   As per claim 9, Brothers teaches the method of claim 1, wherein the redirecting device is adapted for working with multiple types of content (col. 4, lines 18-20).

34.   As per claim 10, Brothers teaches the method of claim 1, wherein the redirecting device comprises a hardware device that can be simply connected at various points, in plurality, in a provider infrastructure (col. 2, lines 55-58).

35.   As per claim 11, Brothers teaches the method of claim 10, further including a plurality of redirecting devices (col. 3, lines 64-67).

36.   As per claim 13, Brothers teaches the method of claim 1, wherein the redirecting device comprises a software system installed on a computer system that is connected at various points, singly or in plurality, in a provider infrastructure (col. 2, lines 58-60).

37.   As per claim 14, Brothers teaches the method of claim 13, further including a plurality of redirecting devices (col. 3, lines 64-67).

38.   As per claims 12 and 15, Brothers fails to explicitly teach the methods of claims 10 and 13, further including the step of providing optional fail-safe operation of each device such that failure does not disrupt other normal browsing and Internet activity of the subscriber but results only in an interruption of bulletin delivery.

39.   Ikudome teaches failsafe operation such that if the policy fails to load, the failure does not disrupt other normal browsing and Internet activity of the subscriber but results only in an interruption of bulletin delivery (col. 7, lines 43-48: rule sets removed after each session; in the absence of rule sets, normal Internet activity is allowed).

40.   It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Brothers and Ikudome because they both deal with redirecting users requests for a web page based on the user's activity. Furthermore, the teaching of Ikudome to modify the system taught by Brothers to provide fail safe operation allowing normal browsing in the event of a system failure would increase subscriber satisfaction by providing subscriber expected behavior in the event of system failure.

41.   As per claim 16, Brothers teaches the method of claim 1, further including the step of defining a specific policy for controlling the selective transmission of messages to the subscriber (col. 4, lines 20-24).

42.   As per claim 17, Brothers teaches the method of claim 16, further including the step of defining a policy Web or other page information (col. 4, lines 9-12).

43.   As per claim 18, Brothers teaches the method of claim 16, further including the step of defining a policy that includes timing and frequency of delivery (col. 4, lines 25-35, line 44).

44.   As per claim 19 (as construed), Brothers teaches the method of claim 16, further including the step of defining a policy for activating the redirecting device to deliver a message in response to user activity (col. 2, lines 22-24).

45.   As per claim 20, Brothers teaches the method of claim 19, wherein the activity

comprises a defined destination (col. 2, line 27-28).

46.   As per claim 21, Brothers teaches the method of claim 19, wherein the activity

comprises the amount of activity by the subscriber (col. 2, lines 26-27).

47.   As per claim 23, Brothers teaches the method of claim 1, further including the

step of generating a plurality of independently designated policies to be delivered

correctly to the subscriber even if some policy events invoke in simultaneity (col. 4, lines

40-51: multiple policies with different replacement web pages for a policy; col. 5, lines 9-

11: system may transmit a series of replacement pages).

48.   As per claim 24, Brothers does not explicitly teaches the method of claim 23,

wherein the redirecting device includes the ability to acquire the knowledge of the

policies and the identifier using only an identifying IP address.

49.   Ikudome teaches acquiring the knowledge of the policies and the identifier using

only an identifying IP address (col. 4, lines 40-41: rule sets unique for a given user ID;

col. 5: col. 5, lines 62-66: after authentication IP address mapped to user's IP address).

50.   It would have been obvious to one of ordinary skill in this art at the time the

invention was made to combine the teaching of Brothers and Ikudome because they

both deal with redirecting users requests for a web page based on the user's identity

and activity. Furthermore the teaching of Ikudome to retrieve the user ID and the

policies using only an identifying IP address by caching the subscriber parameters

would increase the overall efficiency of operation by eliminating the need for network

traffic to retrieve the redirection policy or the user identifier.

51.   As per claim 25, Brothers does not explicitly teaches the method of claim 24,

wherein the redirecting device is adapted for minimizing the overhead of acquiring

subscriber parameters through caching of that information for a determined portion of

the time during which the protocol announces it as valid.

52.   Ikudome teaches caching the subscriber parameters (IP address and rule sets)

during the time when the IP address is valid (col. 5, line 62-col. 6, line 5).

53.   It would have been obvious to one of ordinary skill in this art at the time the

invention was made to combine the teaching of Brothers and Ikudome because they

both deal with redirecting users requests for a web page based on the user's identity

and activity. Furthermore the teaching of Ikudome to cache the subscriber parameters

would increase the overall efficiency of operation by eliminating the need for network

traffic to retrieve the redirection the policy. Caching for the time that the IP address

speeds the look up of the rules by avoiding the need to retrieve the fixed identifier, while

eliminating the use of stale dynamic IP addresses.

54.   As per claim 35, Brothers teaches the method of claim 16, further including the

step of logging successful implementation of policies to each subscriber (col. 4, lines

25-28: replacement page not given if already seen inherently requires storing

information about successful implementation of policy).

55.   As per claim 36, Brothers teaches the method of claim 16, further including the

step of logging interactive responses that have been requested within the policy (col. 4,

lines 28-37: changing replacement page display frequency based on users past

interaction inherently requires storing concerning interactive responses).

56.   Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brothers and Ikudome as applied to claims 19 above, and further in view of Walker et al. (US Patent 6,286,001, hereinafter Walker).

57.   As per claim 22, Brothers and Ikudome do not explicitly teach the method of claim 19, wherein the activity comprises a request carrying the signature of virus contamination.

58.   Walker teaches using the identifier (Paragraph 0080: user profile selected using user ID) for detection of "signature" forms of Internet packets that indicate the presence of undesirable content (Paragraph 0082: checksums and signatures used to identify undesirable content).

59.   It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Brothers and Walker to detect a virus signature in the activity by the user because they both deal with providing access to web content based on a user identifier. Furthermore, the teaching of Walker to use signature to identify virus contamination would allow an enhanced experience by Internet users by preventing the spread of viruses to their systems (See Walker, Paragraph 0007 and 0010).

60.   Claims 26, 37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brothers and Ikudome as applied to claims 1 and 16 above, and further in view of 'Official Notice'.

61.   As per claim 26, Brothers and Ikudome do not explicitly teach the method of claim 1, wherein the redirecting device is adapted for use in connection with a

consolidating system management device for permitting a group of system devices to be viewed by the provider as a single system. However network managing system for managing a plurality of system devices in parallel were well known in the art at the time the applicants made the invention. It would have been obvious at the time the invention was made to view a group of devices as a single system in order to remove the drudgery of having to perform identical operations on a large number of devices, thus improving the efficiency of initializing the system.

62.   As per claims 37 and 38, As per claim 26, Brothers and Ikudome do not explicitly teach the method of claim 16, further including the steps of detecting and logging the number of simultaneously requested Web connections or the step of flagging subscribers utilizing more than one simultaneous device per subscription. Brothers does teach detecting various activity by users and logging the activity (col. 2, lines 24-28; col. 4, lines 10-30). It would have been obvious at the time the invention was made to modify the method taught by Brothers to include detecting simultaneous connections are simultaneous use of more than one device per subscription because this would allow the Internet Service Provider to maximize customer satisfaction by preventing a subscriber from using more than a fair share of the available bandwidth, adversely affecting the system response for a large number of other subscribers.

63.   Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brothers and Ikudome as applied to claim 1, further in view of 2001/0049737 Carolan et al. (US Published Application 2001/0049737, hereinafter Carolan).

64.   As per claim 27, Brothers fails to explicitly teach the method of claim 1, wherein

the identifier step uses the enforced delivery of a Web page to be used in the

distribution and subscription of new subscribers without prior knowledge of the serial

numbers associated with the new subscriber's interface equipment and without requiring

the subscriber to utilize special software.

65.   Carolan teaches enforced delivery of a Web page to be used in the distribution

and subscription of new subscribers (Paragraph 0028: proxy configured to permit HTTP

traffic only to the registration server) without prior knowledge of the serial numbers

associated with the new subscriber's interface equipment and without requiring the

subscriber to utilize special software (Paragraph 0026: registration with service can

occur in the same session as selecting the service at which time MAC address identifier

is provided).

66.   It would have been obvious to one of ordinary skill in this art at the time the

invention was made to combine the teaching of Carolan and Brothers because they

both deal with redirecting HTTP traffic based on user identification. Furthermore, the

teaching of Carolan to allow enforced delivery of a web page to a new subscriber would

allow an automated method of registering new users online thus increasing the ability of

a service provider to attract customers.

67.   Claim 28 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Brothers, Ikudome, and Carolan as applied to claim 27, further in view of 'Official

Notice'.

68.   As per claim 28, Brothers fails to explicitly teach the method of claim 27, further

comprising the step of using the enforced delivery of a Web page to reduce the volume

of telephone support requests by the enforced pre-announcement of known, future

system outages due to scheduled maintenance.

69.   Brothers does teach using enforced delivery of a Web page by Internet service

providers on a temporary basis to provide valuable information to Internet users (col. 1,

lines 49-56).

70.   While Brothers does not explicitly teach that the valuable information includes

future system outages due to scheduled maintenance, the desire of Internet Service

Providers to communicate such information was well known in the art at the time of the

applicants' invention. It would have been obvious to one of ordinary skill in this art at

the time the invention was made to use enforced delivery of a Web page to

announcements of known, future system outages because doing so would inform

customers and increase their satisfaction and ability to work around known times of

affected service.

71.   As per claim 34, Brothers fails to explicitly teach the method of claim 28, wherein

the transmitting step includes enforcing the delivery of other subscriber-beneficial

information that is currently displayed on the manually accessed provider information

Web site.

72.   While Brothers does teach using enforced delivery of a Web page by Internet

service providers on a temporary basis to provide valuable information to Internet users

(col. 1, lines 49-56). Brothers does not explicitly teach that this valuable information

includes information that is currently displayed on the manually accessed provider

information Web site. However, the desire of Internet Service Providers to ensure that

their subscribers receive such information was well known in the art at the time of the

applicants' invention. It would have been obvious to one of ordinary skill in this art at

the time the invention was made to use enforced delivery of a Web page to provide

subscriber-beneficial information currently displayed on the provider information Web

site would provide improved efficiency in communicating with subscribers thus

increasing customer satisfaction.

73.   Claims 29, and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Brothers, Ikudome, and Carolan as applied to claim 27 above and further in view of

Walker et al. (US Patent 6,286,001, hereinafter Walker).

74.   As per claim 29, Brothers fails to teach the method of claim 27, further

comprising the step of using the identifier for detection of "signature" forms of Internet

packets that indicate the presence of undesirable content.

75.   Walker teaches using the identifier (Paragraph 0080: user profile selected using

user ID) for detection of "signature" forms of Internet packets that indicate the presence

of undesirable content (Paragraph 0082: checksums and signatures used to identify

undesirable content).

76.   It would have been obvious to one of ordinary skill in this art at the time the

invention was made to combine the teaching of Brothers and Walker because they both

deal with providing access to web content based on a user identifier. Furthermore, the

teaching of Walker to use signature to identify undesirable content would allow an

enhanced experience by Internet users by preventing access to unsuitable content (See

Walker, Paragraph 0007 and 0010).

77.   As per claims 31 and 33, Walker teaches the step of transmitting a message

identifying the undesirable content to the provider (Paragraph 0078) and logging the

identifying message (Paragraph 0083). The motivation for combining Walker with

Brothers is the same as described for claim 29 above.

78.   As per claims 32, Walker teaches the step of transmitting a message identifying

the undesirable content to the subscriber and (Paragraph 0082). The motivation for

combining Walker with Brothers is the same as described for claim 29 above.

79.   Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Brothers, Ikudome, Carolan and Walker as applied to claim 29 above, and further in

view of 'Official Notice'.

80.   As per claim 30, Brothers, Ikudome, Carolan and Walker as applied to claim 29

teach identifying undesirable content using a signature, but do not explicitly teach that

the signature is a virus signature. However 'Official Notice' is taken by the examiner

that systems identifying traffic as virus by the signature of the traffic were well known in

the art. It would have been obvious to one of ordinary skill in this art at the time the

invention was made to modify the method described in claim 29 to identify virus traffic

because doing so would allow detecting the spread of the virus and warning the user

that his system was compromising the network.

81.   Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brothers

and Ikudome as applied to claim 16, further in view of 'Official Notice'.

82.   As per claim 39, Brothers does not explicitly teach the method of claim 16, further including the step of transmitting explanations to be issued, in an enforced manner, to subscribers, after a service interruption, in such a manner as to alleviate customer dissatisfaction by illuminating and explaining the problem and the efforts that are to be taken in the future to eliminate such problems.

83.   Brothers does teach using enforced delivery of a Web page by Internet service providers on a temporary basis to provide valuable information to Internet users (col. 1, lines 49-56).

84.   While Brothers does not explicitly teach that the valuable information includes explanations of problems causing outages and efforts to eliminate future problems, the desirability of providing this information was well known in the art at the time of the applicants' invention. It would have been obvious to one of ordinary skill in this art at the time the invention was made to use enforced delivery of a Web page to delivery explanations of problems and descriptions of future efforts to eliminate problems because doing so would increase the likelihood that customers would see the explanations and thus would increase the overall satisfaction of the service providers customers.

Conclusion

85.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "Internet provider subscriber communications system".

i.	US 2004/0015405	Cloutier et al.
ii.	US 6,195,691	Brown
iii.	US 6,442,529	Krishan et al.
iv.	US 2003/0014539	Reznick

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac R Clark whose telephone number is (571)272-3961. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (571)272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IRC

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100